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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5935 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

BHUPATSINH NANJIBHAI CHAUHAN

Versus

CHIEF EXECUTIVE ENGINEEER

Appearance:

MR CT MANIAR for Petitioner is absent

NOTICE SERVED for Respondent No. 1

NOTICE NOT RECD BACK for Respondent No. 2

MR PARESH UPADHYAY for Respondent No. 3

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 07/04/2000

ORAL JUDGEMENT

The petitioner was given a contract to manage a tubewell owned by Gujarat Water Resources Development Corporation Ltd. - Respondent No. 2 herein. A copy of the said contract is at Annexure A to the petition. As per the said contract, the petitioner had to manage the tubewell for a period of one year commencing from 15.1.1990 to 14.1.1991 and he was to be paid remuneration at the rate of Rs. 657 per month. The case of the petitioner is that before completion of the said period, by an order dated 8.8.1990 (Annexure B), the contract was terminated with effect from 8.8.90 and, therefore, the petitioner has approached this court with a prayer that the impugned order dated 8.8.90 be quashed.

The period during which the petitioner was given the contract to manage the tubewell has already come to an end by efflux of time. In the circumstances, the petition has become infructuous. There is no prayer with regard to any compensation or damages in the petition as, in fact, the contract had been terminated on 8.8.90 by the impugned order. It would be open to the petitioner to take appropriate action for claiming damages if he is entitled to claim it in any form.

In the circumstances, this petition does not survive and is dismissed with no order as to costs. Rule is discharged. It would however be open to the petitioner to make an appropriate application for review of the petition if he is aggrieved by this order.

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